

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application pursuant to 37 C.F.R. § 1.114 are respectfully requested and such action is earnestly solicited.

By the present amendment, independent claims 1, 16, 19, and 22 have been amended to recite that the wetting region consists of hydrophilic absorbent material and all other parts of the liquid-pervious surface layer consist of a hydrophobic material. New claims 31-33 have been added to mirror current claim 2. Claims 27-30 have been amended to depend from claims 2 and 31-33 respectively. No new matter has been added.

Interview Summary

Applicant gratefully acknowledges the courtesy shown by Examiner Kidwell to Applicant's undersigned representative during a telephone interview on January 6, 2004.

During this interview, Applicant's undersigned representative discussed the new matter, enablement, and art rejections. However, agreement as to these rejections was not reached.

New Matter Rejection

Claims 27-30 stand rejected as allegedly containing new matter. Without conceding to the merits of this rejection and solely in an effort to expedite prosecution, by the present amendment, Claims 27-30 have been amended to depend from claims 2 and 31-33 respectively. The recitation of the wetting region

contacting only the mucous membranes of the user is clearly supported by the specification on page 13, lines 5-30, which states:

The presence of the hump 317 is extremely advantageous, since the hump 317 improves the fit of the sanitary napkin and makes it possible to almost exactly predict which region which will bear on the mucous membranes of the user during use. Thereby, it is possible to **restrict the hydrophilic portion of the surface of the sanitary napkin solely to this region**, and thereby to achieve a sanitary napkin with a surface which otherwise is dry and pleasant against the skin of the user. (emphasis added).

Accordingly, Applicant respectfully submits that the specification contains adequate written description for the recitation found in claims 27-30 and thus, no new matter is contained in these claims. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 27-30 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. This rejection is respectfully traversed.

As is evident from the passage from the specification quoted above, the specification clearly teaches at least one means of providing an absorbent article with a wetting region with a hydrophilic absorbent material that contacts only the mucous membranes of the user. That is, the description of the hump and corresponding description of how this hump is achieved found in other portions of the specification and drawings provides clear enablement for claims 27-30.

Moreover, Applicant respectfully submits that the Examiner has not provided an adequate basis for the present rejection. The rejection found on page 2 of the Official Action is merely conclusory. The Office Action states no technical basis for the enablement rejection, but rather provides only a final conclusion that the claims

are not enabled. M.P.E.P. § 2164.04 provides that "specific technical reasons are **always** required." (emphasis added). The Examiner thus must provide a technical basis for such a rejection, not simply a conclusion or a doubt as to the veracity of the disclosure of Applicant's specification.

Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 16, 17, 19, 20, and 22-26 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Miller et al. (U.S. patent No. 3,799,167). This rejection, to the extent that it may apply to the claims, as amended, is respectfully traversed.

The Examiner has argued, both in the Official Action and during the telephonic interview of January 6, 2004, that the blend of materials utilized as a topsheet by Miller et al., e.g., a rayon/acrylic blend of hydrophobic character, serves to anticipate the presently claimed invention. Thus, Miller et al. allegedly satisfies the requirement of having part of the surface layer be hydrophilic and part hydrophobic. Applicant does not agree with the Examiner's characterization. Such an interpretation could not lead to the advantageous properties of the present invention, i.e., having the wetting region provide a moist surface while the rest of the surface remains dry for comfort. The surface layer of Miller et al. would perform the same throughout because it is a blend material with one characteristic, hydrophobicity, as clearly stated by Miller et al. at col. 1, ll. 44-47.

Nevertheless, without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, independent claims 1, 16, 19, and 22 have been

amended to recite that that wetting region **consists of** hydrophilic absorbent material and that all remaining parts of the liquid pervious surface layer **consist of** hydrophobic material. Accordingly, Miller et al. cannot anticipate the presently claimed invention. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Miller et al.

Claims 2, 7-8, and 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Miller et al. in view of Bien et al. (U.S. Patent No. 5,885,268).

These rejections, to the extent that they may apply to the claims, as amended, is respectfully traversed.

The deficiencies of Miller et al. have been discussed above. Bien et al. do not remedy the deficiencies of Miller et al, *i.e.*, the failure to disclose or suggest an absorbent article with a wetting region consisting of hydrophilic absorbent material and all the remaining parts of the liquid-pervious surface layer consisting of hydrophobic material. Accordingly, neither Miller et al., nor Bien et al., either alone or in combination, disclose or suggest each and every element of and cannot render obvious the presently claimed invention. Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorably consideration of the subject application on the merits in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 29, 2004

By: 
Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620